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WORLD CONFERENCE AGAINST RACISM,
RACIAL DISCRIMINATION, XENOPHOBIA
AND RELATED INTOLERANCE

Preparatory Committee
First session
Geneva, 1-5 May 2000
Item 7 of the provisional agenda

REPORTS, STUDIES AND OTHER DOCUMENTATION FOR THE PREPARATORY COMMITTEE AND THE WORLD CONFERENCE

Note by the Secretary-General

Contribution of the Committee on the Elimination of Racial Discrimination to the preparatory process for the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance

Introduction

1. In paragraph 30 of its resolution 52/111 of 12 December 1997, the General Assembly requested, inter alia, the Committee on the Elimination of Racial Discrimination to assist the preparatory committee for the World Conference, to undertake reviews, to submit recommendations concerning the World Conference and the preparations therefor and to participate actively in the World Conference. In paragraph 51 of its resolution 1998/26, the Commission on Human Rights invited the Committee to contribute to the preparatory process for the World Conference.

2. In paragraph 35 of its resolution 53/132 of 9 December 1998, the General Assembly requested the Committee again to participate actively both in the preparatory process of the World Conference by, inter alia, undertaking reviews and studies and submitting recommendations concerning the World Conference and the preparations therefor, through the

Secretary-General, to the Preparatory Committee, and in the Conference itself. In paragraph 61 of its resolution 1999/78 of 28 April 1999, the Commission on Human Rights invited again inter alia the Committee on the Elimination of Racial Discrimination to participate actively in the preparatory process for the World Conference.

3. The General Assembly at its fifty-fourth session also, in resolution 54/154, requested the Committee to assist the Preparatory Committee and to undertake reviews and submit recommendations concerning the World Conference and the preparations therefore to the Preparatory Committee, through the Secretary-General, and to participate actively in the Conference.

Action taken by the Committee on the Elimination of Racial Discrimination

4. At its fifty-third session, held from 3 to 21 August 1998, the Committee discussed a wide variety of ideas about matters which might feature in the agenda and in the concluding declaration and programme of action of the Conference, and adopted the following decision:

"Decision 9 (53)[1]

"The Committee on the Elimination of Racial Discrimination,

Welcoming General Assembly resolution 52/111, by which the Assembly decided to convene a World Conference against Racism, Racial Discrimination, Xenophobia, and Related Intolerance, to be held not later than the year 2001,

Noting Commission on Human Rights resolution 1998/26, in which the Commission invited the Committee to give high priority to the preparatory process for the World Conference and to present to the Commission at its fifty-fifth session and to the Preparatory Committee its contribution to the objectives of the Conference, including undertaking a series of studies, and to participate actively in the preparatory process and in the Conference itself,

1. Welcomes the invitation of the Commission on Human Rights to the Committee, as contained in Commission resolution 1998/26, paragraph 51;

2. Reiterates its readiness to participate in the entire preparatory process for the World Conference and in the Conference itself;

3. Indicates that it has commenced considering suggestions for the agenda of the World Conference and ideas the World Conference may take into consideration in any declaration and programme of action which it may decide to adopt;

4. Is of the view that the agenda could include the following topics: current realities in the aftermath of slavery and colonialism; impact of economic globalization and racial equality; treatment of migrants, refugees, asylum-seekers and displaced persons; prevention of racial discrimination, including early warning and urgent procedures; prevention of racial discrimination through education; remedies, redress

mechanisms and reparations for racial discrimination; international mechanisms for the implementation of the International Convention on the Elimination of All Forms of Racial Discrimination and their progressive development; combating hate speech and promoting tolerance in the digital age; the implications of multiple identities (race, colour, descent, national or ethnic origin, gender);

5. Emphasizes that these suggestions need further elaboration and that this will be done by the Committee with the view to presenting a document at its session in March 1999."

5. At its fifty-fifth session, held from 2 to 27 August 1999, the Committee continued to discuss its contribution to the preparatory process of the World Conference and adopted, on 26 August 1999, the following decision:

"Decision 5 (55) on the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance[2]

"The Committee on the Elimination of Racial Discrimination,

1. Recalls its decision 9 (53) of 21 August 1998;

2. Proposes to the Preparatory Committee that it include in the agenda of the World Conference consideration of the problem of how the international community may prevent or mitigate mass and flagrant violations of the human rights of persons belonging to ethnic and racial groups and minorities, bearing in mind that in recent years the failure of the international community to urgently and adequately respond to numerous conflicts around the world has resulted in genocide, ethnic cleansing, the mass movement of refugees and displaced persons, and the disruption of regional peace and security by armed groups able to commit atrocities with impunity;

3. Decides that, to meet the needs of the Preparatory Committee and the World Conference, it will, with the assistance of the Office of the High Commissioner, prepare materials that, so far as possible, include:

(a) A reference document containing the Committee's decisions of substance, including those taken under the early warning and urgent procedures, as well as its latest concluding observations on each State party;

(b) Information about States parties which have amended their constitutions, legislation, judicial and administrative practices, or which have introduced special legislation with a view to implementing the Convention;

(c) A list of States parties which have made a declaration under article 14 of the Convention, recognizing the competence of the Committee to receive and consider communications from individuals and groups of individuals;

(d) A list of States parties which, upon ratification or accession to the International Convention on the Elimination of All Forms of Racial Discrimination, have made reservations, and the text of such reservations;

4. Decides that, with the assistance of the Office of the High Commissioner, it will make an assessment of the best practices of States parties in combating racial discrimination, based on States parties' reports, the Committee's own practice and information received by the High Commissioner in response to the questionnaire transmitted to States Members of the United Nations pursuant to resolution 1999/78 adopted by the Commission on Human Rights on 28 April 1999. Such an assessment should be made available to the Preparatory Committee for its meeting in May 2000, and also to the World Conference itself;

5. Welcomes the studies prepared by individual members of the Committee for the Preparatory Committee and the World Conference itself, as listed in the annex to this resolution;

6. Suggests that an eventual plan of action for the World Conference may deal with such issues as:

(a) Processes of racial reconciliation;

(b) Racial discrimination against indigenous populations;

(c) All human beings are born free and equal in dignity and rights;

(d) Racism, racial discrimination, xenophobia and related intolerance, challenge to peace, human rights, including the right to life, human dignity, stability and the rule of law;

(e) Incitement to racial hatred as a punishable offence;

(f) Effective measures to protect all persons against racial discrimination in both public and private sectors, and remedies and reparations for victims;

(g) Educational measures for all segments of the population in the spirit of the elimination of all forms of racial discrimination and intolerance;

(h) National commissions on human rights in the light of the Committee's General Recommendation XVII;

7. Welcomes the continued and constructive cooperation with the Sub-Commission on Prevention of Discrimination and Protection of Minorities, recalling the holding of two joint meetings in 1993 and 1995, joint meetings of the bureaux of the two organs, the preparation of a joint working paper on article 7 of the Convention (E/CN.4/Sub.2/1998/4), and the Sub-Commission's readiness to follow up on the suggestion by the Committee which resulted in preparing studies on the rights of

non-citizens (E/CN.4/Sub.2/1997/7), on globalization in the context of the increase of racism, racial discrimination and xenophobia (E/CN.4/Sub.2/1999/8), and on the concept and practice of affirmative action;

8. Decides to establish and maintain contact, as appropriate, through the Office of the United Nations High Commissioner for Human Rights, with the regional mechanisms which shall be convened to make their contributions to the preparation of the World Conference."

6. The Committee annexed to its decision 5 (55) the documents listed below, prepared by some of its members. They had been submitted to the sessional open-ended working group of the Commission on Human Rights (convened during the fifty-fifth session of the Commission to review and formulate proposals for the World Conference (see E/CN.4/1999/16, para. 7) and are also being submitted to the Preparatory Committee:

M. Banton, "The causes of, and remedies for, racial discrimination" (E/CN.4/1999/WG.1/BP.6) (English only);

T. van Boven, "United Nations strategies to combat racism and racial discrimination: past experiences and present perspectives" (E/CN.4/1999/WG.1/BP.7) (English only);

S. Sadiq Ali, "Zimbabwe and South Africa: the lessons we can learn" (E/CN.4/1999/WG.1/BP.8) (English only);

A. Shahi, L. Valencia Rodriguez and I. Garvalov, "Preventing genocide" (E/CN.4/1999/WG.1/BP.9) (English only);

I. Diaconu, "The definitions of racial discrimination" (E/CN.4/1999/WG.1/BP.10) (English only);

R. de Gouttes, "De l'utilité de l'application complémentaire des procédures de plaintes individuelles devant les organes universels et régionaux de protection des droits de l'homme: l'exemple des plaintes de la discrimination raciale et devant la Cour européenne des droits de l'homme" (E/CN.4/1999/WG.1/BP.11) (French only).

7. The following documents are also being submitted to the Preparatory Committee: a joint working paper on article 7 of the International Convention on the Elimination of All Forms of Racial Discrimination (E/CN.4/Sub.2/1998/4), prepared by two members of the Committee and two members of the Sub-Commission, J. Bengoa, I. Garvalov, M. Mehedi and S. Sadiq Ali; and two unofficial documents: "Reservations to the International Convention on the Elimination of All Forms of Racial Discrimination: the role of the Committee on the Elimination of Racial Discrimination", by I. Diaconu and Y. Rechetov (CERD/C/53/Misc.23); and "An analysis of the gender implications of racial discrimination", by G. McDougall (CERD/C/56/Misc.20)[3].

8. The Committee intends to submit to the second session of the Preparatory Committee, to be held in 2001, a further contribution to the work of the World Conference, in accordance with paragraphs 3 and 4 of its decision 5 (55).

Notes

[1] A/53/18, chpater VIII.

[2] A/54/18, chapter VIII.

[3] All the above-mentioned documents prepared by Committee members express the individual views of the authors and have not been approved by and do not necessarily reflect the views of the Committee.